



## **NATIONAL GUARD FEDERAL HUMAN RESOURCE OFFICE BULLETIN**

2722 SW Topeka Blvd. Room 136 (North Side), Topeka, KS 66611

### **September-October 2010**

#### **Federal Employee Benefits Open Season 2010**

Submitted by Bobbi Harvey  
HRO Specialist/Employee Benefits

OPM will conduct the 2010 Federal Benefits Open Season from November 8, 2010 through December 13, 2010.

During the annual Open Season, employees can take the actions listed below for the Federal Flexible Spending Account Program (FSAFEDS), Federal Employees Dental and Vision Insurance Program (FEDVIP), and the Federal Employees Health Benefits Program (FEHB).

Enroll in a flexible spending account-a health care and/or dependent care account, under the FSAFEDS Program. Unlike with other programs, employees **MUST** re-enroll in FSAFEDS each year to participate. Enrollments **DO NOT** carry over year to year.

Enroll in, change, or cancel an existing enrollment in a dental plan under the FEDVIP Program.

Enroll in, change, or cancel an existing enrollment in a vision plan under the FEDVIP Program.

Enroll in, change, or cancel an existing enrollment in a health plan under the FEHB Program.

Visit OPM Website at [www.opm.gov/insure](http://www.opm.gov/insure) to learn more about these programs. Specific Open Season Information will be posted to OPM website beginning mid-October 2010.

Stay tuned for additional information. If you have questions, please contact MSgt Kathy Thornton at 785-274-1187 or MSgt Robin Lewis at 785-274-1206.

#### **Federal Civilian and Military Personnel Restrictions on Political Activity Under the Hatch Act & DoDD 1344.10 (UNCLASSIFIED)**

Submitted by Bobbi Harvey  
HRO Specialist/Employee Benefits

This is an important reminder of the restrictions concerning political activity that are placed on federal civilian employees under the Hatch Act and placed on military personnel under DoDD 1344.10 (Political Activities by Members of the Armed Forces) (19 Feb 2008). Attached is guidance on the Hatch Act prepared by the Office of Special Counsel and a copy of DoDD 1344.10. Please review these documents in order to avoid any violations.

[Department of Defense Directive](#) (Link to Copy of DoDD 1344.10).

For federal civilians, the Hatch Act prohibits partisan political activity while at work or while in a federal building and prohibits certain partisan political fundraising activities (it's OK for you to pay to simply attend an event). You should consult the guidance or web site ([www.osc.gov](http://www.osc.gov)) for detailed guidance. The penalty for violations of the Hatch Act range from a minimum of suspension without pay for 30 days to removal of the employee from their job.

For federal military personnel, DoDD 1344.10 is the applicable guidance. Among other things, federal military personnel are prohibited from performing "clerical or other duties for a partisan political committee or candidate during a campaign, on an election day, or after an election day during the process of closing out a campaign." Please read section 4.1 in particular for details regarding permissible and prohibited conduct by members of the Armed Forces on active duty (or full-time National Guard Duty).

Contractor personnel are not subject to the Hatch Act or DoDD 1344.10, but may be restricted by provisions in their contract.



## Inside This Issue:

Page 3:

- Brand New Look for FSAFEDS Account Summary
- Flexible Spending Account Update

Page 4-5:

- Technicians: (Accessions, Promotions, Reassignments, Separations)

Page 6-10:

- EAP Summer 2010

Page 11:

- The Hatch Act & Federal Employees

Page 12-25:

- Political Activity & the Federal Employee

Page 26:

- Pre-activation for National Guard & Reserve

Page 27:

- TRICARE Program for Gray Area Reservists on its way

Page 28:

- Federal Rules Published for TRICARE Retired Reserve

Page 29:

- HRO Directory

# Brand New Look for FSAFEDS Account Summary

Submitted by Bobbi Harvey  
HRO Specialist/Employee Benefits

3

In July, FSAFEDS announced the upcoming implementation of new web enhancements for "My Claims" when you visit My Account Summary! <https://www.FSAFEDS.com/fsafeds/login/participantlogin.asp>

Managing your account online will be even easier. The new and improved "My Claims" section will feature:

- \* Even more user-friendly appearance and easy navigation
- \* Claim status alerts and notifications with important information about your account
- \* Detailed, easy-to-understand information about every claim and every reimbursement
- \* Improved ability to search for all current and past claims, reimbursements and allotments
- \* Download your search results into a Microsoft Excel compatible file

Keep your eyes open! You may also check for updates at [www.FSAFEDS.com](http://www.FSAFEDS.com)

## Flexible Spending Account Update

Submitted by Bobbi Harvey  
HRO Specialist/Employee Benefits

The new healthcare reform legislation produces important changes to your Health Care Flexible Spending Account (FSA).

Beginning January 1, 2011, currently eligible over-the-counter (OTC) products that are medicines or drugs (e.g., acne treatments, allergy and cold medicines, antacids, etc.) will not be eligible for reimbursement from your Health Care FSA-unless you have a prescription for that item written by your physician. The only exception is insulin-you will not need a prescription from January 1, 2011 forward. Other currently eligible OTC items that are not medicines or drugs, such as bandages and nasal strips, will not require a prescription.



### Here are a few Q & A's:

1. How will 2010 Grace Period incurred (January 1, 2011 through March 15, 2011) OTC Expenses be handled?

It won't matter that you are using your 2010 funds-any eligible OTC medicine or drug purchased from January 1, 2011 forward will not be reimbursed unless you can provide a prescription written by your physician.

2. Will I be required to submit additional documentation with my claim form?

Yes. If you currently use a portion of your FSA funds for eligible OTC products that are medicine or drugs, you will need to provide valid prescriptions for those items on January 1, 2011 and beyond.

3. I'm not sure how much I will need to elect for the 2011 Benefit Period. What should I do?

During the Federal Benefits Open Season for the upcoming 2011 Benefit Period, you should carefully estimate the amount you elect to contribute to your Health Care FSA. Once Open Season is over, you cannot change your annual election amount unless you experience a Qualifying Life Event (QLE).

4. How will the January 1 effective date impact my OTC spending?

-If you have questions, call toll-free, at 1-877-FSAFEDS (372-3337), TTY: 1-800-952-0450, Monday through Friday, 9:00 a.m. until 9:00 p.m. Eastern Time, or via email at [FSAFEDS@shps.com](mailto:FSAFEDS@shps.com)

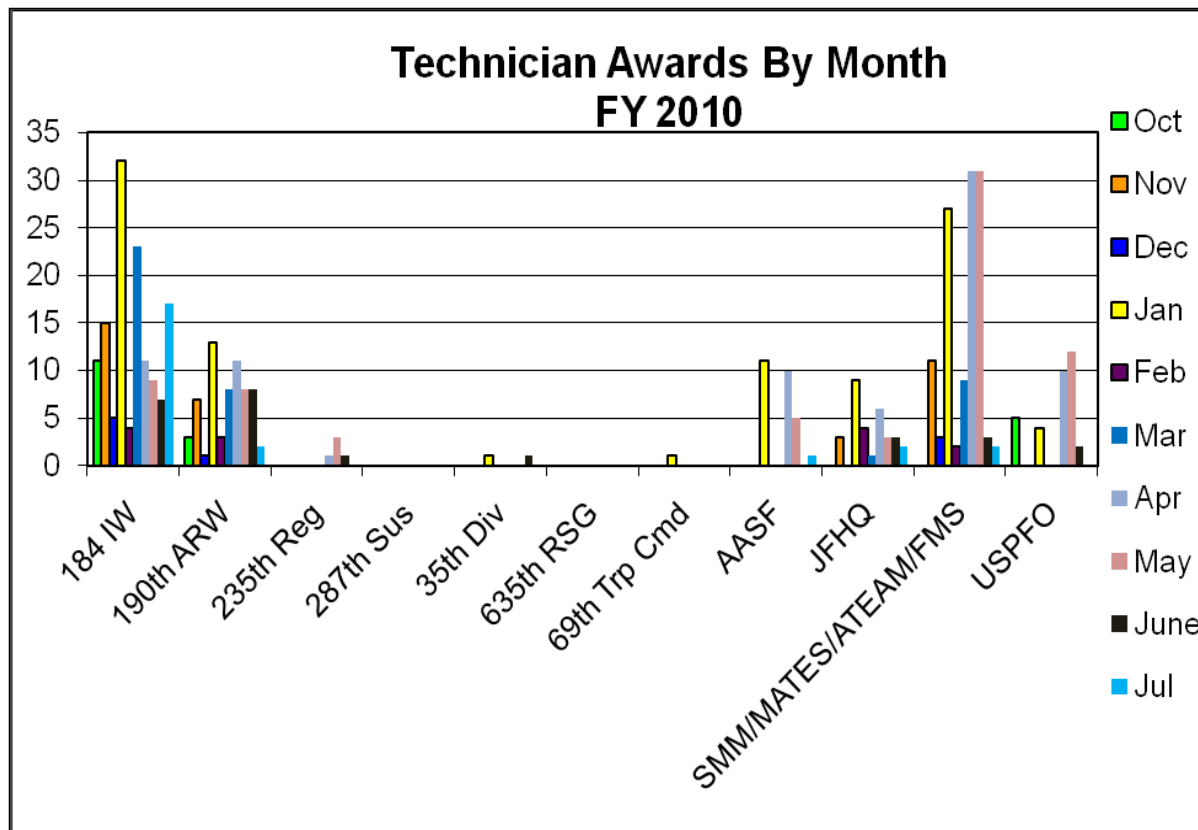


## Technicians

June and July 2010

Submitted by MSgt. Kathy Thornton  
HRO Assistant

The graph below shows technician awards processed, i.e. Time-Off, On the Spot, Sustained Superior Performance, and Quality Step Increases (QSI) for the months of June and July 2010.



### ACCESSIONS

BALL, DANIEL E., CONSTR & FAC MGT SPT  
BLANTON, RICHARD G. JR., 184 IW  
BLOW, CHAD L., JOINT STAFF  
BROWN, JASON W., 190 ARW  
BROXTERMAN, LUKE A., 190 ARW  
CARTER, JOHN F., DCS  
CORNELIUS, RYAN E., AASF 2  
EPPERLY, JOSHUA K., 190 ARW  
FINKEMEIER, SHANNA D., 190 ARW  
GLENN, LOGAN R., 184 IW  
GORDON, BRIAN C., ATEAM  
HALDERSON, JARED D., 184 IW  
JACKSON, STEPHEN J., 184 IW  
KIRKHAM, ZACHORY R., 2-137 IN BN  
LANE, JOHN W., FUSION CENTER  
MCNUTT, TRINITA D., 190 ARW  
MONTANEZ, EMILIO M., ATEAM  
PEARCE, MICHAEL E., ATEAM  
PERKINS, MICHAEL D., 184 IW  
PFLUG, RACHAEL L., 190 ARW  
SOLANDER, MARCI D., 190 ARW  
STAIERT, JOHN D., 184 IW  
STEBENS, KODY L., CSMS

### PROMOTIONS

BATTERTON, CASEY S., 190 ARW  
BLISS, PAUL G., 184 IW  
EDINGTON, DAVID L., CSMS  
GRIFFITH, BRADLEY P., AASF 1  
JACOBS, TRAVIS L., ATEAM  
JOHNSON, DUSTIN D., MATES  
KNOUF, KIMBERLY J., 190 ARW  
KOHLMAN, RANDY L. JR., MATES  
KRULL, ROGER A., HRO  
LAWRENCE, LINNEA L., FUSION CENTER  
LOVE, DEREK E., 184 IW  
MCCALL, RUSSELL O., CSMS  
MCDONALD, JAMES L., DCS  
POSCH, CRAIG J., FMS 9  
RENEAU, TROY B., 184 IW  
RIOS, KRISTINA L., USPFO  
ROGERS, GORDON W., 184 IW  
SLOAN, MARK R., 184 IW  
SNYDER, RONALD K., USPFO  
STATON, CLAYTON L., AASF 2  
TORRES, JOSE A., DOM  
WEBER, SCOTT J., MATES  
WELLMEIER, SCOTT J., MATES

**PROMOTIONS CONTINUED**

WISNER, MATTHEW R., 190 ARW  
 ZAFRAN, MARK G., FMS 5

**REASSIGNMENTS**

BATTERTON, CASEY S., 190 ARW  
 BLISS, PAUL G., 184 IW  
 EDINGTON, DAVID L., CSMS  
 GRIFFITH, BRADLEY P., AASF 1  
 JACOBS, TRAVIS L., ATEAM  
 JOHNSON, DUSTIN D., MATES  
 KNOUF, KIMBERLY J., 190 ARW  
 KOHLMAN, RANDY L. JR., MATES  
 KRULL, ROGER, A., HRO  
 LAWRENCE, LINNEA L., FUSION CENTER  
 LOVE, DEREK E., 184 IW  
 MCCALL, RUSSELL O., CSMS  
 MCDONALD, JAMES L., DCS  
 POSCH, CRAIG J., FMS 9  
 RENEAU, TROY B., 184 IW  
 RIOS, KRISTINA L., USPFO  
 ROGERS, GORDON W., 184 IW  
 SLOAN, MARK R., 184 IW  
 SNYDER, RONALD K., USPFO  
 STATON, CLAYTON L., AASF 2  
 TORRES, JOSE A., DOM  
 WEBER, SCOTT J., MATES  
 WELLMEIER, HAROLD W., ATEAM  
 WISNER, MATTHEW R., 190 ARW  
 ZAFRAN, MARK G., FMS 5

**SEPARATIONS**

ALEXANDER, JOHN K., AASF 1  
 BESSER, ALFRED P. JR., 287TH SUST BDE  
 BLACKBURN, PRESTON S., FMS 13  
 BROWN, JASON W., ATEAM  
 BURNS, RANDALL L., HQ STARC  
 FINKMEIER, SHANNA D., 184 IW  
 GARCIA, VELAZQUEZ ORLANDO, ATEAM  
 HOGAN, CHRISTOPHER D., 184 IW  
 HORTON, LEA A., 190 ARW  
 HOWELL, ALICIA L., DCS  
 JENSEN, MARK H., JFHQ/SAFETY  
 KECK, KASEY A., USPFO  
 LE, DAVID, 184 IW  
 MILLER, ROGER D., JOINT STAFF  
 MUSICK, ROY F., FMS 7  
 NOLL, DENNIS W., USPFO  
 OLIVER, PATRICIA R., USPFO  
 PARVIN, ROBERT M., USPFO  
 ROBERTS, DONALD W., USPFO  
 SHARPSON, MATTHEW J., AASF 2  
 SHERMAN, GLORIA J., USPFO  
 KYLLONEN, MICHAEL S. JR., MATES  
 SIHONGHEUNE, BANGONE, FMS 7  
 SOLANDER, MARCIA D., JFHQ/IG  
 STAIERT, JOHN, DCS  
 STILLWAGON, ROBERT J., MATES

**SEPARATIONS CONTINUED**

WALLACE, MICHAEL L., JOINT STAFF  
 WEST, MARK A., AASF 2  
 WHEELER, DAVID J., JOINT STAFF  
 WHITEKILLER, JENNIFER D., ATEAM  
 WHITLOW, BRIAN K., 184 IW  
 WRIGHT, ANDREW R., 287TH SUST BDE





### Inside This Issue:

1. [Healthier Ways to Manage Stress](#)
2. [Preventing Binge Drinking in Teens and College Students](#)
3. [Helping a Friend or Family Member in an Abusive Relationship](#)
4. [For Your Information](#)

### EAP Services:

1. [How to Use Your EAP](#)

## Healthier Ways to Manage Stress

According to the latest Stress in America survey conducted annually by the American Psychological Association, 75 percent of Americans reported experiencing moderate to high levels of stress in the past month (24% extreme, 51% moderate) and nearly half reported that their stress has increased in the past year (42%). Additionally, the study respondents reported the following as a result of stress:

- 47% report lying awake at night due to stress
- 45% report experiencing irritability or anger
- 43% report being fatigued
- 40% report lack of interest, motivation or energy
- 34% report headaches
- 34% report feeling depressed or sad
- 32% report feeling as though they could cry
- 27% report upset stomach or indigestion as a result of stress



What about you? Are you aware of the stress in your life? Do you manage stress in healthy or unhealthy ways?

## Stress Dangers

Stress is the tension or pressure we feel as a result of the demands, hassles, frustrations and upsets of daily life. Some stress is positive. It causes our bodies to release stress hormones, including adrenaline and cortisol, which rouse the body and brain to meet challenges. But at a certain point, when too much stress becomes constant and persists over an extended period of time, stress stops being helpful and starts causing major damage to your health.

Chronic stress disrupts nearly every system in your body. According to the American Institute of Stress, 75 to 90 percent of all health problems are related to stress. The most-recent medical science reports that too much stress can raise blood pressure, cause sleep disorders, suppress the immune system, increase the risk of heart attack and stroke, contribute to infertility, speed up the aging process, and rewire the brain, leaving you more vulnerable to anxiety and depression. How well you manage the stress in your life is vitally important to your health, your mood, your relationships, your productivity and your quality of life.

## Unhealthy ways of coping with stress

The health consequences of chronic stress are made worse when stress is managed poorly. The coping methods below, while common, may give temporary relief from stress, but cause more damage in the long run:

**Emotional eating** – According to the Stress in America survey, twenty-eight percent of Americans say they turn to food to help alleviate stress or help deal with problems. Comfort eaters report higher levels of stress than average and exhibit higher levels of all the most common symptoms of stress, including fatigue, lack of energy, nervousness, irritability, and trouble sleeping. Additionally, comfort eaters are twice as likely as the average American to be obese.

**Using alcohol** – Using alcohol to deal with stress is never a good idea. Using alcohol, like the use of any drug, can lead to problems of abuse or dependence. If you regularly use alcohol to relieve stress there is a risk that you will require more and more alcohol to get the stress-relieving affect you are seeking. Additionally, using alcohol doesn't help you think more clearly or problem-solve effectively to find solutions to the problem that is creating the stress in the first place.

**Smoking** – Just as with emotional eating and using alcohol above, smoking does not help solve your problem, it only hides it. The cause of your problem remains. And, the relief from smoking only lasts a short time. Soon your stress returns and you will feel the need to smoke another cigarette. Additionally, smoking actually causes more stress than it relieves. According to the American Heart Association, smoking is the single most alterable risk factor contributing to early death in the U.S. If you practice any of these unhealthy behaviors, it is recommended that you cut back or eliminate these behaviors and adopt healthier strategies to manage stress.

## Healthy strategies for managing stress

Stress becomes a problem when the pressure from stress exceeds your ability to cope. If you are feeling overwhelmed by stress, you can start taking control of the stress in your life by following the suggestions below:

### 1. Ask yourself: What specific problems or conflicts are troubling me and how can I deal with each of these problems effectively?

Rather than focusing on how to cope with stress, answering this question will put you on course to prevent or eliminate much of your stress by helping you determine the root cause(s) of your stress. To lower the amount of stress in your life, become aware of your stressors and your emotional and physical reactions to stress. Notice your distress. Don't ignore it. Determine how your body responds to stress. Do you become nervous or physically upset? If so, in what specific ways? Think about when, and why, you feel stressed. Devise ways to change, manage or avoid the problems that trigger your stress.

### 2. Identify the ways you “think” yourself to higher levels of stress.

Stress is a product of the mind and therefore something you can control. Stress isn't something that happens to you, but rather how you think about what is happening, or what has happened. Are you viewing your stressors in exaggerated terms and/or taking a difficult situation and making it worse? Are you overreacting and viewing things as absolutely critical and urgent? Do you worry about things that are out of your control? Do you feel you have to be perfect all of the time? Simply put, stressful thoughts cause stress. Work at adopting more moderate views. Put stressful situations in perspective.



### 3. Increase your ability to withstand stress.

You can increase your resistance to stress by strengthening your physical and emotional health.

**Exercise regularly.** Make the commitment to exercise most days for at least 30 minutes. Nothing beats exercise as a way to dissipate stress, lift your energy and boost your mood. What types of exercise are best? Cardiovascular exercise (such as brisk walking, running, cycling, swimming or other aerobic activity), weight training and yoga have all been shown in studies to reduce tension and anxiety and improve your emotional state.

**Learn how to relax.** Here's a stress-reducing technique that you can practice any time, anywhere, for immediate relief. Give your body and mind the break they need from stress by practicing slow, deep breathing. Here's what to do: Close your eyes and inhale slowly and deeply through your nose (approx. 7 seconds), then exhale slowly through your mouth (approx. 8 seconds). If you prefer, say "relax" or "calm" or another soothing word as you exhale. Do this for 5 minutes, 3 times a day. This technique of deep breathing will calm your brain, relax your body and help bring your heart rate and respiration back to normal. Yoga, meditation or listening to quiet music are other relaxation techniques that can help you reduce your everyday stress levels and build your resiliency to stress.

**Express your feelings instead of bottling them up.** A strong support network is a powerful protection against stress. Stay connected to your family, friends and other supportive people in your life. Instead of keeping your feelings or frustrations bottled up inside, talk about your problems or feelings with a close friend, family member, counselor or with the person(s) involved. Oftentimes, simply talking about your difficulties will help you start to feel better. Also consider writing down your thoughts and feelings. Putting problems on paper can assist you in clarifying the situation and developing a new perspective.

**Eat a healthy diet.** You are much more vulnerable to stress when you're hungry and lethargic than when you're well-nourished. Start your day right with breakfast and keep your energy up and your mind clear with balanced, nutritious meals throughout the day. Limit your consumption of caffeine and sugar. The temporary "highs" caffeine and sugar provide often end with a crash in mood and energy, making you more vulnerable to stress. By reducing the amount of coffee, soft drinks, chocolate and sugar snacks in your diet, you'll feel more relaxed and sleep better.

**Get enough sleep.** People who are chronically stressed almost always suffer from fatigue and people who are tired do not cope well with stress. When distressed people get more sleep, they feel better and are more resilient and adaptable in dealing with day-to-day events. Make adequate sleep a priority. Research suggests that most healthy adults need seven to eight hours of sleep each night.

### Seek professional help

How do you know when it is time to seek professional help? According to the American Psychological Association, the following are indicators:

- You feel trapped, like there's nowhere to turn
- You worry excessively and can't concentrate
- The way you feel affects your sleep, your eating habits, your job, your relationships, your everyday life.

### Your EAP is here to help

If you're having difficulty coping with stress or anxiety, call your Employee Assistance Program (EAP) for confidential counseling, referrals or information. We're here to help you.

## Preventing Binge Drinking In Teens and College Students

With teens and college students returning to school at the end of this summer, parents must be aware of the dangers of binge drinking. Binge drinking is generally defined as having five or more drinks of alcohol (male), or 4 or more drinks (female), in about two hours.



According to the most recent statistics from the Center of Disease Control, 26% of 9th through 12th graders reported binge drinking at least once during the past 30 days. The prevalence of binge drinking was nearly the same for females as males. On college campuses, the most recent Harvard School of Public Health College Alcohol Study estimates that approximately 44% of college students are binge drinkers.

## What are the risks of binge drinking?

The dangers of binge drinking are far more serious than hangovers. These risks include: alcohol poisoning, sexually transmitted diseases, pregnancy, unintentional injuries (e.g. motor vehicle accidents, falls, burns, drowning and hypothermia) and violence (homicide, suicide, domestic violence and sexual assault). In 2000, the Journal of American College Health reported that college students who frequently binge drink were 21 times more likely than non-binge drinkers to:

- Be hurt or injured
- Drive a car after drinking
- Engage in unprotected sex
- Engage in unplanned sexual activity

## What parents can do

Parenting experts recommend discussing alcohol and drinking with your child from a young age. A large body of research shows that, contrary to popular opinion, even during the teen years, parents have an enormous influence on their children's behaviors, values and decisions about drinking. One recent study reported that mother-teen conversations about alcohol and the consequences of drinking were helpful in preventing binge drinking in college freshman.

To help prevent binge drinking, parenting experts recommend that parents communicate about alcohol and the consequences of drinking and establish clear and firm family expectations about alcohol or other substance use. Search the internet or visit your local library or book store for resources with strategies for communicating to your child about alcohol, ways to spot warning signs of potential drinking problems and the necessary actions to help teens resist alcohol.

## Your EAP is here to help

If you think that you or one of your dependents may have a problem with alcohol or other drug use, contact your Employee Assistance Program (EAP) for confidential counseling, referrals or information. We're here to help you.



## Helping a Friend or Family Member in an Abusive Relationship

Watching a family member, friend or colleague going through an abusive relationship is difficult and frustrating. The National Domestic Violence Hotline advises the following for effectively helping a family member or friend who is being abused:

**Don't be afraid to let him or her know that you are concerned for their safety.** Help you friend or family member recognize the abuse. Tell him or her you see what is going on and that you want to help. Help them recognize that what is happening is not "normal" and that they deserve a healthy, non-violent relationship.

**Don't be afraid to let him or her know that you are concerned for their safety.** Help you friend or family member recognize the abuse. Tell him or her you see what is going on and that you want to help. Help them recognize that what is happening is not "normal" and that they deserve a healthy, non-violent relationship.

**Acknowledge that he or she is in a very difficult and scary situation.** Let your friend or family member know that the abuse is not their fault. Reassure him or her that they are not alone and that there is help and support available.

**Be supportive.** Listen to your friend or family member. Remember that it may be difficult for him or her to talk about the abuse. Let him or her know that you are available to help whenever they may need it. What they need most is someone who will believe and listen to them.

**Be non-judgmental.** Respect your friend or family member's decisions. There are many reasons why victims stay in abusive relationships. He or she may leave and return to the relationship many times. Do not criticize his or her decisions or try to guilt them. He or she will need your support even more during those times.

**Encourage him or her to participate in activities outside of the relationship with friends or family.**

**Help him or her develop a safety plan.**

**Encourage him or her to talk to people who can provide help and guidance.** Find a local domestic violence agency that provides counseling or support groups. Offer to go with him or her to talk to family and friends. If he or she has to go to the police, court or a lawyer, offer to go along for moral support.

**Remember that you cannot "rescue" him or her.** Although it is difficult to see someone you care about get hurt, ultimately the person getting hurt has to be the one to decide that they want to do something about it. It's important for you to support him or her and help them find a way to safety and peace.

**Get advice.** If you want to talk to someone to get advice about a particular situation, contact a local domestic violence program or the National Domestic Violence Hotline at: 1-800-799-SAFE (7233) or TTY 1-800-787-3224. NDVH is a nonprofit organization that provides crisis intervention, information and referral to victims of domestic violence, perpetrators, friends and families.

## For Your Information:

### Better Sleep

If you find your mind racing while trying to go to sleep, keep a pad of paper next to your bed and jot down what's on your mind. If you find yourself unable to sleep after 20 minutes, get out of the bed, go into another room and engage in a calming activity until you feel ready to sleep.

### Headache Prevention

Concentrating on your computer screen for a long time can cause eyestrain which in turn can cause temporary head pain and fatigue. Take occasional "eye breaks" by looking away from your computer screen and into the distance. This will give your eyes relief.

### Ease Financial Stress

Help get financial stress under control by curbing your spending. For most people, overspending and having too much debt is the cause of money problems – it is not because they are not making enough money. Learn basic money management skills. Commit to living within your means.

## Employee Assistance Program Services – For All Kansas National Guard Technicians

### PROVIDED BY YOUR EMPLOYER FOR YOU AND YOUR DEPENDENTS

Your Employee Assistance Program is a prepaid and confidential program designed to help employees and their dependents resolve problems which may be interfering with their personal, work or home life. EAP Consultants offers help for marital and family issues, substance abuse, job concerns, emotional problems, life adjustments, legal issues, financial matters, and elder care and child care referrals.

If you're experiencing problems which are causing concern, you and your EAP Counselor can work as a team to find solutions.

For assistance, call EAP Consultants at: **800-869-0276** or request services by secure e-mail on the Member Access page of our website at <http://www.eapconsultants.com/>.



## THE HATCH ACT AND FEDERAL EMPLOYEES

### Permitted and Prohibited Activities for Employees Who May Engage in Partisan Activity

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• May be candidates for public office in nonpartisan elections</li> <li>• May register and vote as they choose</li> <li>• May assist in voter registration drives</li> <li>• May express opinions about candidates and issues</li> <li>• May contribute money to political organizations</li> <li>• May attend political fundraising functions</li> <li>• May attend and be active at political rallies and meetings</li> <li>• May join and be an active member of a political party or club</li> <li>• May sign nominating petitions</li> <li>• May campaign for or against referendum questions, constitutional amendments, municipal ordinances</li> <li>• May campaign for or against candidates in partisan elections</li> <li>• May make campaign speeches for candidates in partisan elections</li> <li>• May distribute campaign literature in partisan elections</li> <li>• May hold office in political clubs or parties including serving as a delegate to a convention</li> </ul> | <ul style="list-style-type: none"> <li>• May not use their official authority or influence to interfere with an election</li> <li>• May not solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee</li> <li>• May not knowingly solicit or discourage the political activity of any person who has business before the agency</li> <li>• May not engage in political activity while on duty</li> <li>• May not engage in political activity in any government office</li> <li>• May not engage in political activity while wearing an official uniform</li> <li>• May not engage in political activity while using a government vehicle</li> <li>• May not be candidates for public office in partisan elections</li> <li>• May not wear political buttons on duty</li> </ul> |
|---|---|

For additional questions, contact:

U.S. Office of Special Counsel  
1730 M Street N.W. Suite 21 8 · Washington DC 20036-4505  
Phone: 1-800-85-HATCH · Web Site: [www.osc.gov](http://www.osc.gov)

This list does not apply to federal employees in the following agencies, divisions or positions: Federal Election Commission; Federal Bureau of Investigations; Secret Service; Central Intelligence Agency; National Security Agency; National Security Council; Defense Intelligence Agency; National Imagery and Mapping Agency; Merit Systems Protection Board; Office of Special Counsel; Office of Criminal Investigations of the IRS; Office of Investigative Programs of the U.S. Customs Service; Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; Criminal Division of the Department of Justice; Career members of the Senior Executive Staff; Administrative Law Judges; Administrative Appeals Judges; Contract appeals board members.

Rev. 12/05

# Political Activity & the Federal Employee



# Political Activity and the Federal Employee

The Hatch Act	
Its Importance to Federal Employees .....	2
Who Is Covered .....	3
Permitted and Prohibited Activities for Employees	
Who May Engage in Partisan Activity .....	4
Questions and Answers .....	5
Permitted and Prohibited Activities for Employees	
Subject to Additional Restrictions .....	7
Questions and Answers .....	8
Designated Communities .....	10
Penalties .....	10
The Office of Special Counsel .....	11
Title 5, United States Code Sections 7321-7326 .....	12

## Important Note

This booklet summarizes the laws, regulations and policies governing the political activities of federal employees and employees of the District of Columbia government. Its intent is to provide a basic overview of permissible and prohibited political activities. Employees should not rely on the opinions of friends or co-workers when they have questions with regard to a specific political activity. Ignorance of the law does not excuse an employee's violation of the Hatch Act. Reliance on incorrect or unofficial information also does not excuse a violation. Employees with additional questions may obtain an advisory opinion by telephoning the Office of the Special Counsel or by submitting their questions, in writing, to the address listed below.

U. S. Office of Special Counsel

[www.osc.gov](http://www.osc.gov)

1730 M Street, N. W., Suite 210  
Washington, D.C. 20036-4505  
202-254-3650  
1-800-854-2824  
E-mail: [hatchact@osc.gov](mailto:hatchact@osc.gov)

Rev. December, 2005

## The Hatch Act Its Importance to Federal Employees

The political activity of government employees has been a concern of government officials since the earliest days of the Republic. Thomas Jefferson, the nation's third president, was among the first to express concern about this issue.

In response to Jefferson's concern, the heads of the executive departments issued an order which stated that while it is "the right of any officer (federal employee) to give his vote at elections as a qualified citizen...it is expected that he will not attempt to influence the votes of others nor take part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution..."

However, despite the concerns of Jefferson and other American statesmen, almost a century and a half elapsed before Congress enacted a comprehensive law regarding the political activities of government employees.

In 1939, Congress approved landmark legislation known as the Hatch Act to limit the political activities of federal employees, employees of the District of

Columbia and certain employees of state and local governments. In passing the Hatch Act, Congress determined that partisan activity by federal employees, employees of the District of Columbia government and certain employees of state and local governments must be limited for public institutions to function fairly and effectively. The courts have held that the Hatch Act is not an unconstitutional infringement on employees' first amendment right to freedom of speech because it specifically provides that employees retain the right to speak out on political subjects and candidates.

In October of 1993, legislation which substantially amended the Hatch Act was signed into law. The Hatch Act Reform Amendments of 1993 permit most federal employees to take an active part in partisan political management and partisan political campaigns. While federal employees are still prohibited from seeking public office in partisan elections, most employees are free to work, while off duty, on the partisan campaigns of candidates of their choice.

**Most federal employees may take an active part in partisan political management and partisan political campaigns.**



## Who Is Covered?

All civilian employees in the executive branch of the federal government, except the President and the Vice President, are covered by the provisions of the Hatch Act. Employees of the U. S. Postal Service and the District of Columbia are also covered by the Act.

Part-time employees are covered by the Act. However, employees who work on an occasional or irregular basis or who are special government employees, as defined in title 18 U. S. C. 202(a) are subject to the restrictions only when they are engaged in government business.

### **Special considerations for employees appointed by the President by and with the advice and consent of the Senate and employees paid from an appropriation for the Executive Office of the President.**

Employees paid from an appropriation for the Executive Office of the President and employees appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, and who determine policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws may engage in political activity: while on duty; in any government room or building; while wearing a uniform or official insignia; and while using a government vehicle, if the costs associated with the political activity are not paid for by money derived from the Treasury of the United States.

### **Employees Subject to Additional Restrictions**

Federal employees in the following agencies, divisions or positions are prohibited from engaging in partisan political campaigns or partisan political management:

- Federal Elections Commission
- Federal Bureau of Investigation
- Secret Service
- Central Intelligence Agency
- National Security Council
- National Security Agency
- Defense Intelligence Agency
- National Geospatial Intelligence Agency
- Merit Systems Protection Board
- Office of Special Counsel
- Office of Criminal Investigations of the IRS
- Office of Investigative Programs of the U. S. Customs Service
- Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms
- Criminal Division of the Department of Justice
- Career members of the senior executive service
- Administrative Law Judges
- Administrative Appeals Judges
- Contract appeals board member

See pages 7 -9 for a listing of permitted and prohibited activities for these employees.



## Permitted and Prohibited Activities for Employees Who May Engage in Partisan Activity

- May be candidates for public office in nonpartisan elections
- May register and vote as they choose
- May assist in voter registration drives
- May express opinions about candidates and issues
- May contribute money to political organizations
- May attend political fundraising functions
- May attend and be active at political rallies and meetings
- May join and be an active member of a political party or club
- May sign nominating petitions
- May campaign for or against referendum questions, constitutional amendments, municipal ordinances
- May campaign for or against candidates in partisan elections
- May make campaign speeches for candidates in partisan elections
- May distribute campaign literature in partisan elections
- May hold office in political clubs or parties including serving as a delegate to a convention
- May not use their official authority or influence to interfere with an election
- May not solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
- May not knowingly solicit or discourage the political activity of any person who has business before the agency
- May not engage in political activity while on duty
- May not engage in political activity in any government office
- May not engage in political activity while wearing an official uniform
- May not engage in political activity while using a government vehicle
- May not be candidates for public office in partisan elections
- May not wear political buttons on duty

## Questions and Answers

### Employees Who May Be Politically Active in Partisan Campaigns

#### Permitted Activities:

**Q.** What types of political activities are permitted under the 1993 Reform Amendments?

**A.** Most employees are free to participate in the following types of activities: campaigning for or against candidates in partisan elections, distributing campaign material, organizing or managing political rallies or meetings, circulating nominating petitions, working to register voters, and making campaign speeches for candidates.

**Q.** May an employee hold office in a political party or club?

**A.** Yes, an employee may hold office in a political party or club, including serving as a delegate to a local, state or national convention. The fact that the election for party office takes place during the primary or general election does not impede the employee's involvement.

**Q.** May an employee work at the polls on election day?

**A.** An employee, who is off duty, may work at the polls on election day. The employee may work for the city or county as an election judge, poll watcher or clerical worker. Additionally, employees may work for a candidate or political party by observing the check-in process, holding a sign or distributing campaign literature.

**Q.** May an employee help organize a fundraiser for a partisan candidate?

**A.** Yes, an employee may organize a fundraising event as long as he or she does not personally solicit, accept or receive political contributions. The employee may supply names for the invitation list, address invitations or introduce the speaker at the event.

**Q.** May an employee serve as the treasurer of a campaign?

**A.** Yes, an employee may serve as treasurer to the extent of preparing and filing campaign financial reports and paying campaign expenses. The employee would be prohibited from personally soliciting, accepting or receiving political contributions.

**Q.** May an employee who works in a commercial building which is partially leased by a federal agency engage in partisan political activity in the common space of the partially leased building?

**A.** Employees who work in partially leased buildings may engage in partisan political activity in the nonleased common space of the building, the courtyard, the roof deck, the main lobby.

**Q.** May employees make financial contributions to political candidates?

**A.** Yes, employees are permitted to make contributions to candidates, political parties, clubs and organizations.

**Q.** May employees hold public office?

**A.** Yes, while the Hatch Act prohibits candidacy for public office in partisan elections, it does not prohibit a federal employee from being appointed to or holding public office. Additionally, when an individual holds elective office at the time that the employee begins federal employment, he or she may continue to serve in the elected position. However, the employee may not be a candidate for re-election if the election is partisan and the employee continues to be employed by a federal agency.

**Q. Are employees permitted to be candidates in nonpartisan elections?**

A. Yes, employees may be candidates in nonpartisan elections. Additionally, employees are permitted to solicit, accept and receive contributions in nonpartisan elections. A nonpartisan election is an election where none of the candidates are running as representatives of a partisan political party, usually the Democratic and Republican party.

**Q. Can a nonpartisan election be transformed into a partisan election?**

A. Yes. If state or local law mandates a nonpartisan ballot for a particular local office, there will be a presumption that the election for that office is nonpartisan. If evidence is presented, however, that shows that partisan politics actually enter the campaigns of the candidates, e.g., the employee solicits the endorsement of a partisan group, advertises the endorsement of a political party, or uses the party's resources to further her campaign effort, the nonpartisan election can be transformed into a partisan one in violation of the Hatch Act.

## **Prohibited Activities:**

**Q. May employees solicit political contributions for partisan candidates, parties or organizations?**

A. No, the amendments prohibit a covered employee from soliciting, accepting or receiving political contributions from any person except in certain instances involving labor organizations and employee organizations. Members of labor organizations and employee organizations may solicit contributions as long as the person who is solicited belongs to the same federal labor organization or federal employee organization as the employee who solicits, accepts or receives the contribution, the person who is solicited is not a subordinate employee, and the request is for a contribution to the multicandidate political committee of a federal labor organization or to the multicandidate political committee of a federal employee organization which was in existence as of October 6, 1993.

**Q. May employees wear partisan political buttons while on duty?**

A. No, the Reform Amendments prohibit employees from engaging in any partisan political activity while on duty. Political activity has been defined as a activity directed toward the success or failure of a political party, candidate for a partisan political office or a partisan political group. Employees are restricted from displaying partisan political posters and bumper stickers in their offices.

**Q. May employees, who are members of a union, engage in partisan political activity in space designated to the labor organization by the agency?**

A. No, all employees, including employees who are members of a union, are prohibited from engaging in partisan political activity in a government building.

**Q. May an employee be listed as the sponsor of a partisan fundraising event?**

A. No, the Act prohibits employees from soliciting contributions. However, an employee may be listed as the "guest speaker" or "special guest" on a fundraising invitation if the listing does not imply that the employee is soliciting contributions.



## Permitted and Prohibited Activities for Employees Subject to Additional Restrictions\*

### Employees Subject to Additional Restrictions

These employees are prohibited from engaging in partisan political management or partisan political campaigns. Specifically, they may not work on cam-

paigns where any of the candidates are running as representatives of a political party, e.g. the Democratic or Republican parties.

- 
- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• May register and vote as they choose</li> <li>• May assist in voter registration drives</li> <li>• May express opinions about candidates and issues</li> <li>• May participate in campaigns where none of the candidates represent a political party</li> <li>• May contribute money to political organizations or attend political fund raising functions</li> <li>• May attend political rallies and meetings</li> <li>• May join political clubs or parties</li> <li>• May sign nominating petitions</li> <li>• May campaign for or against referendum questions, constitutional amendments, municipal ordinances</li> <li>• May be candidates for public office in nonpartisan elections</li> </ul> | <ul style="list-style-type: none"> <li>• May not be candidates for public office in partisan elections</li> <li>• May not campaign for or against a candidate or slate of candidates in partisan elections</li> <li>• May not make campaign speeches or engage in other campaign activities to elect partisan candidates</li> <li>• May not collect contributions or sell tickets to political fund raising functions</li> <li>• May not distribute campaign material in partisan elections</li> <li>• May not organize or manage political rallies or meetings</li> <li>• May not hold office in political clubs or parties</li> <li>• May not circulate nominating petitions</li> <li>• May not work to register voters for one party only</li> <li>• May not wear political buttons at work</li> </ul> |
|--|---|

---

\*Federal Election Commission, Federal Bureau of Investigation, Secret Service, Central Intelligence Agency, National Security Council, National Security Agency, Defense Intelligence Agency, Merit Systems Protection Board, Office of Special Counsel, Office of Criminal Investigation of the IRS, Office of the Investigative Programs of the Customs Service, Office of Law Enforcement of BATF, Criminal Division of DOJ, National Geospatial Intelligence Agency, career members of the Senior Executive Service, administrative law judges, administrative appeals judges, and contract appeals board members.

## Questions and Answers

### Employees Subject to Additional Restrictions

#### Permitted Activities:

**Q.** To what extent are employees permitted to express opinions on political subjects and candidates?

**A.** Employees may express their views publicly or privately about a candidate or about political issues. However, they may not engage in active campaigning for partisan candidates.

With regard to political questions and public issues, employees are entitled to express their views as citizens. In addition, employees are free to express their views and take action as individual citizens on such questions as referendum matters, changes in municipal ordinances and constitutional amendments. Issues involving highways, schools, housing and taxes are other examples of questions on which employees are usually free to take action. They can participate in meetings where these issues are discussed and they may join other citizens in presenting their views on such questions.

**Q.** Are employees entitled to make financial contributions?

**A.** Employees may make contributions to political organizations. However, employees are prohibited from either soliciting or collecting contributions for political organizations.

**Q.** May employees attend political rallies and join political clubs?

**A.** Employees may attend political rallies as spectators. They may not participate in the rallies by carrying banners or placards. They may join partisan political clubs but cannot take an active part in the management of the clubs or be officers or members of any of its committees.

**Q.** May employees attend political conventions?

**A.** Yes, covered employees may attend political conventions, but only as spectators. Employees are

not allowed to take part in the deliberations or proceedings of the conventions or any of its committees. Covered employees may not be candidates for, or serve as delegates, alternates or proxies at such conventions.

**Q.** May an employee write a letter to the editor of a local newspaper expressing an opinion on a partisan issue?

**A.** Yes, but an employee may not write letters in connection with political parties, or partisan groups or candidates.

**Q.** May a federal employee place a sign on his or her automobile, or in his or her yard, which supports or opposes a political candidate?

**A.** So long as this activity is an expression of personal opinion, it is permissible under the Hatch Act. The size of any such sign is irrelevant.

**Q.** May a federal employee who is the spouse of a political candidate appear in campaign photographs with the candidate?

**A.** Yes, the employee can be included in "family of the candidate" photographs which might appear in newspapers or in campaign literature.

**Q.** May a covered employee's spouse, if he or she is not covered by the law, engage in political activity?

**A.** Yes, the law does not restrict the activities of an employee's spouse or of other family members in any way.

**Q.** Are employees allowed to actively assist in voter registration drives?

**A.** Yes, employees may participate in nonpartisan voter registration drives but they may not attempt to influence voters to register for a particular party.

**Q. May employees use cars to take voters to the polls on election day?**

**A. Yes, employees may assist taking voters to the polls as a gesture of goodwill or as part of an effort by a nonpolitical organization. Employees may not assist voters to the polls as part of an organized effort on behalf of candidates or political parties.**

**Q. Employees are sometimes asked to serve as registrars on registration day or as election clerks or officers on election day. Are they permitted to do this?**

**A. Yes, employees may accept appointments to serve as election clerks, officers or in similar positions as prescribed by state or local law. However, they may not work at the polls on behalf of partisan candidates or political parties by acting as checkers, challengers, watchers or in similar partisan positions.**

**Q. Are employees permitted to be candidates in nonpartisan elections?**

**A. Yes, employees may be candidates in nonpartisan elections. Additionally, employees are permitted to solicit, accept and receive contributions in nonpartisan elections. A nonpartisan election is an election where none of the candidates are running as representatives of a partisan political party, usually the Democratic or Republican party.**

**Q. Can nonpartisan election be transformed into a partisan election?**

**A. Yes. If state or local law mandates a nonpartisan ballot for a particular local office, there will be a presumption that the election for that office is nonpartisan. If evidence is presented, however, that shows that partisan politics actually enter the campaigns of the candidates, e.g., the employee solicits the endorsement of a partisan group, advertises the endorsement of a political party, or uses the party's resources to further her campaign effort, the nonpartisan election can be transformed into a partisan one in violation of the Hatch Act.**

## Prohibited Activities

**Q. What types of the activities are prohibited?**

**A. Activities such as soliciting or collecting political contributions, or selling fund-raising dinner tickets are prohibited. Distributing campaign material in connection with political parties or partisan groups or candidates is also prohibited.**

**Q. May employees work as part-time volunteers for partisan candidates if the activity does not involve contact with the public?**

**A. No, the law prohibits direct action to assist partisan candidates or political parties in campaigns. Thus, covered employees are not permitted to do clerical work at campaign headquarters, write campaign speeches or canvass voters for the purpose of promoting support for candidates or political parties.**

The prohibition applies to voluntary campaign work such as addressing and stuffing envelopes, making phone calls on behalf of a candidate or collecting signatures for a nominating petition.



## Designated Communities

**Q. Are there any instances when a federal employee may be a candidate in a partisan election?**

**A. Yes.** A special rule applies to local elections in certain communities of Maryland and Virginia near Washington, D. C., and in a few designated municipalities in other parts of the country. In communities designated by the U. S. Office of Personnel Management, federal employee residents (including employees subject to additional restrictions) may run as independent candidates in local elections in the communities where they reside.

**Q. Can a nonpartisan candidacy, i.e., an independent candidacy, be transformed into a partisan candidacy?**

**A. Yes.** If evidence is presented that shows that partisan politics enters the campaign of the independent candidate in the designated community, e.g., the employee solicits the endorsement of a partisan group, advertises the endorsement of a political party, or uses the party's resources to further her campaign effort, the independent candidacy can be transformed into a partisan one in violation of the Hatch act.

The communities to which the partial exemption applies are listed below:

**Maryland:** Annapolis, Anne Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Calvert County, Capitol Heights, Cheverly, Chevy Chase Village, Martin Additions, Chevy Chase sections 3 and 4, Chevy Chase View, College Park, Cottage City, District Heights, Edmonston, Fairmont Heights, Forest Heights, Frederick County, Garrett Park, Glenarden, Glen Echo, Greenbelt, Howard County, Hyattsville, Kensington, Landover Hills, Montgomery County, Morningside, Mount Rainier, New Carrollton, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, Seat Pleasant, Somerset, Takoma Park, University Park, Washington Grove, Saint Mary's County.

**Virginia:** Alexandria, Arlington County, Clifton, Fairfax County, City of Fairfax, Falls Church, Herndon, Loudon County, Manassas, Manassas Park, Portsmouth, Prince William County, Vienna, Spotsylvania County, Stafford County.

**Others:** Anchorage, AK; Benecia, CA; Bremerton, WA; Centerville, GA; Crane, IN; Ellmer City, WA; Huachuca City, AZ; New Johnsonville, TN; Norris, TN; Port Orchard, WA; Sierra Vista, AZ; Warner Robins, GA.

**Q. What is the basis for granting partial exceptions from Hatch Act restrictions to the residents of certain communities?**

**A. Upon request,** the partial exemption is granted by the Office of Personnel Management, under certain conditions, to communities in which large numbers of voters are employed by the federal government. The exemption recognizes that in such communities the interest of the community and the federal employee may allow such direct participation in local government.

**Q. How does this special right differ from the general restriction that applies to all federal employees?**

**A. Under the general restriction,** federal employees cannot be candidates for a public office in partisan elections. In an excepted community employees may run as independent candidates against partisan political candidates.

## Penalties for Violation

**Q. What is the penalty for violating the Hatch Act?**

**A. For covered federal employees and District of Columbia government employees,** the most severe penalty for violation is removal. The minimum penalty is suspension without pay for 30 days.

**Q. Where is the law found that restricts political activity of federal and District of Columbia government employees?**

**A. Title 5 of the United States Code, Sections 7321-7326 and Title 5 of the Code of Federal Regulations parts 733 and 734.**



## The Office of Special Counsel

### Procedures

The Office of Special Counsel (OSC) is responsible for investigating reports or complaints concerning Hatch Act violations committed by covered federal employees and by employees of the District of Columbia government.

If an investigation uncovers evidence of a violation of the law and OSC determines that the violation warrants prosecution, a written complaint for disciplinary action is filed with the U. S. Merit Systems Protection Board (MSPB). A copy of the complaint is served on the charged employee. Full opportunity is provided to contest the charges, including a right to a hearing before the MSPB. The employee may be represented by counsel at all stages of the proceedings.

After consideration of the entire record, the MSPB will notify the employee and the employing agency of its decision. If the MSPB finds that the employee has violated the law, the maximum penalty that can be imposed is removal from government service. The minimum penalty that can be assessed is suspension without pay for 30 days.

### Briefings

In an effort to better acquaint federal employees with the provisions regarding political activity, OSC attorneys are available to brief groups of federal employees on the Hatch Act.

### Advisories

Additionally, employees may obtain answers to specific questions regarding political activity by calling OSC at 800-85-HATCH (854-2824) or 202-254-3650. Requests for written advisories may be made to:

U. S. Office of Special Counsel  
1730 M Street, NW  
Suite 218  
Washington, DC 20036  
E-mail: [hatchact@osc.gov](mailto:hatchact@osc.gov)  
Homepage: <http://www.osc.gov>

## Title 5. United States Code

### SUBCHAPTER III -- POLITICAL ACTIVITIES

#### § 7321. Political participation

It is the policy of the Congress that employees should be encouraged to exercise fully, freely and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

#### § 7322. Definitions

For the purposes of this subchapter --

(1) "employee" means any individual, other than the President and the Vice President, employed or holding office in --

(A) an Executive agency other than the General Accounting Office;

(B) a position within the competitive service which is not an executive agency; or

(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

but does not include a member of the uniformed services;

(2) "partisan political office" means any office which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization;

(3) "political contribution" --

(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

(D) includes the provision of personal services for any political purpose.

#### § 7323. Political activity authorized; prohibitions

(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not --

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is --

(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

(B) not a subordinate employee; and

(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

(3) run for the nomination or as a candidate for election to a partisan political office; or

(4) knowingly solicit or discourage the participation in any political activity of any person who --

(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

(B) The provisions of subparagraph (A) shall apply to --

(i) an employee of --

(I) the Federal Election Commission;

(II) the Federal Bureau of Investigation;

(III) the Secret Service;

(IV) the Central Intelligence Agency;

(V) the National Security Council;

(VI) the National Security Agency;

(VII) the Defense Intelligence Agency;

(VIII) the Merit Systems Protection Board;

(IX) the Office of Special Counsel;

(X) the Office of Criminal Investigation of the Internal Revenue Service;

(XI) the Office of Investigative Programs of the United States Customs Service; or

(XII) the Office of the Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

(XIII) the National Geospatial Intelligence Agency; or

(ii) a person employed in a position described under section 3132(a)(4) or 5372, 5372a, or 5372b of title 5, United States Code.

(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

(4) For purposes of this subsection, the term "active part in political management or in a political campaign" means those acts

were prohibited for employees of the competitive service

before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

#### § 7324. Political activities on duty; prohibition

(a) An employee may not engage in political activity --

- (1) while the employee is on duty;
- (2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;
- (3) while wearing a uniform or official insignia identifying the office or position of the employee; or
- (4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(2) Paragraph (1) applies to an employee --

(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

(B) who is --

- (i) an employee paid from an appropriation for the Executive Office of the President; or
- (ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations

with foreign powers or in the nationwide administration of Federal laws.

#### § 7325. Political activity permitted; employees residing in certain municipalities

The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibition in paragraphs (2) and (3) of section 7323(a) and paragraph (2) of section 7323(b) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when --

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of the voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

#### § 7326. Penalties

An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

## Pre-activation Benefit for National Guard and Reserve

### This benefit applies to Technicians and Traditional Airmen/Soldiers

Submitted by MSgt Doug Roudybush  
Health Systems Specialist

National Guard and Reserve members who are issued delayed-effective-date active duty orders for more than 30 days in support of a contingency operation may qualify for "early eligibility for TRICARE" beginning on the later of:

- (a) the date their orders were issued; or
- (b) 180 days before they report to active duty.

National Guard and Reserve members who qualify for the pre-activation benefit are covered as "active duty service members" and receive active duty medical and dental benefits. Additionally, when National Guard or Reserve members qualify for pre-activation benefits, family members who are registered in the [Defense Enrollment Eligibility Reporting System](#) are also covered under TRICARE up to 180 days before the sponsor's active duty service begins. Family members become covered by TRICARE as "active duty family members" during the pre-activation period and while the sponsor is activated. The member's Service personnel office will tell members if they are eligible for pre-activation benefits when they receive their delayed-effective-date active duty orders.

---

### Keep DEERS updated!

---

### Enrolled in TRICARE Reserve Select?

---

**TRICARE Reserve Select coverage ends when the sponsor is activated. This includes the pre-activation period.**

### If your active duty orders are cancelled before you report for duty...

Your eligibility for pre-activation benefits and your family's eligibility for pre-activation benefits end on the date your orders are cancelled. Protection under the Uniformed Services Employment Reemployment Rights Act (USERRA), which ensures that your employer-sponsored health plan can be reinstated, does not go into affect until you report for active duty. **Because of this, we strongly encourage you to retain your employer's health plan coverage until you actually report for active duty.** POC is MSgt Doug Roudybush, 785-274-1164 or [doug-las.roudybush@us.army.mil](mailto:doug-las.roudybush@us.army.mil)



## TRICARE Program for Gray Area Reservists On Its Way

Submitted by MSgt Doug Roudybush  
Health Systems Specialist

December 17, 2009

No. 09-76

FALLS CHURCH, Va. - A new program will offer "gray area" reservists the opportunity to purchase TRICARE health care coverage.

While qualified members of the Selected Reserve may purchase premium-based coverage under TRICARE Reserve Select (TRS), retired National Guard and Reserve personnel did not have TRICARE health coverage options until they reached age 60.

Under a provision of the National Defense Authorization Act for 2010, that's all changed.

The new provision will allow certain members of the Retired Reserve who are not yet age 60 ("gray-area" retirees), to purchase TRICARE Standard (and Extra) coverage. TRICARE Extra simply means beneficiaries have lower out of pocket costs if they use a network provider.

"We're working hard to coordinate all the details of eligibility, coverage and costs, and expedite implementation of this important program," said Rear Adm. Christine Hunter, deputy director of the TRICARE Management Activity. "This is a major benefit program with implementation on the same magnitude as TRS. It will require detailed design, development and testing, but qualified retired reservists should be able to purchase coverage by late summer or early fall of 2010."

While the health care benefit provided for gray-area retirees will be TRICARE Standard and Extra – similar to TRS – the new program will differ from TRS in its qualifications, premiums, copayment rates and catastrophic cap requirements. The program is tentatively called TRICARE Retired Reserve.

The new statute requires premium rates to equal the full cost of the coverage. That is the major difference contrasted with TRS, where the statute provides that Selected Reserve members pay only 28 percent of the cost of the coverage. Premiums for the new gray area retiree program will be announced after program rules are published in the Federal Register.

POC is MSgt Doug Roudybush, 785-274-1164 or [douglas.roudybush@us.army.mil](mailto:douglas.roudybush@us.army.mil)

## Federal Rules Published for TRICARE Retired Reserve

Submitted by MSgt Doug Roudybush  
Health Systems Specialist

August 06, 2010

10-68

FALLS CHURCH, Va. – The interim final rule for the TRICARE Retired Reserve (TRR) program has been published. That brings the opportunity for members of the Retired Reserve who are not yet age 60, the so-called “gray-area” retirees, to purchase TRICARE Standard coverage one big step closer to a planned program launch expected as early as September 2010. At that time, instructions about how to qualify for and purchase TRR coverage will become available. If purchased, TRR coverage is expected to go into effect as early as Oct. 1, 2010.

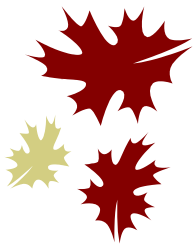
The statute that established TRR requires that qualified retired reservists pay premiums equal to the full cost of the coverage without government subsidy. According to the interim final rule, monthly premium rates for 2010 will be \$388.31 for TRR member-only coverage, or \$976.41 for TRR member and family coverage. Rates will be adjusted annually.

This year's premiums are based on the actual costs during 2007 and 2008 for providing TRICARE benefits to people in the same age categories as the retired reserve population. The 2011 premiums will be adjusted based on 2008 and 2009 costs.

Beneficiaries can read the entire interim final rule on line at <http://edocket.access.gpo.gov/2010/pdf/2010-19313.pdf>. A 60-day comment period will allow for public input before the final rule is issued. Those interested may submit comments through the Federal eRulemaking Portal - [www.regulations.gov](http://www.regulations.gov) - or by mail to the Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Retirees who may want to purchase TRR coverage should make sure their eligibility information is correct in the Defense Enrollment Eligibility Reporting System (DEERS).

POC is MSgt Doug Roudybush, 785-274-1164 or [douglas.roudybush@us.army.mil](mailto:douglas.roudybush@us.army.mil)



## HRO Directory

Human Resources Office 2722

SW Topeka Blvd. Rm 136

Topeka, KS 66611

HRO Secretary: (785) 274-1180

HRO Fax: (785) 274-1604

**Below are Extensions: (785) 274**

29

-xxxx

Topic	Technician	AGR
Absence and Leave/Advance Technician Leave	x1172	x1636
Administrative Actions	x1172	x1182
Adverse Actions/Discipline	X1162	X1182
Awards	x1172	
Classification/Desk Audits	x1161	
Compatibility	x1160	x1186
Contract Negotiations	x1162	
Defense Personnel Data System	x1165	x1165
Death	x1172	x1636
Disability	x1172	x1164
Discipline	x1162	x1182
Employment Authorizations	x1982	x1636
Environmental Differential/ Hazardous Duty Pay	x1172	
Equal Employment Opportunity	x1166	x1168
Family Programs	x1171	x1171
Employee Support of the Guard and Reserve (ESGR)	x1559	x1559
Employment Verifications	x1206	x1636
Flexible Spending Accounts	x1206	
Grievances	x1162	
Hatch Act	x1170	
Health Benefits	x1206	x1164
Hours of Duty	x1162	x1162
In-Processing	x1187	x1164
Injury Compensation	x1206	
Job Vacancy Announcements	x1160	x1186
Jury Duty	x1172	
Labor-Management Relations	x1162	
Life Insurance	x1206	x1636
Manning Document/Maintenance	x1163	x1186
Merit Promotion/Staffing	x1160	x1186
Military Deposits	x1206	
Pay Administration	x1160	x1636
Performance Management	x1172	x1182
Performance Plans/Appraisals OER's/NCOER's	x1172	x1182
Permanent Change of Station (PCS)	x1160	x1636
Personnel Records	x1160	x1636
Personnel Actions/Appointments/ Conversions/Promotions/ Reassignments/Separations/Pay	x1160	x1636
Physical Fitness Program	x1162	x1162
Position Descriptions	x1161	
Position Management	x1161	x1186
Reduction-in-Force	x1160	